

## **2010 Ballot Access Challenges**

### **1. Timothy Dietrich Complaint against Rich Zipperer, Republican candidate for the 33<sup>rd</sup> Senate District**    Complaint EL10-07. Zipperer Response-7/19/2010

Staff assigned: Shane Falk

Board staff determined that Candidate Zipperer submitted 800 valid signatures. State law requires a minimum of 400 valid signatures for the office of State Senator. The complaint alleges that the nomination papers did not comply with a requirement to identify the September 14, 2010 Partisan Primary Election, rather than the November 2, 2010 General Election, making all the nomination papers insufficient, inaccurate and false.

The response alleges that the correct election date to reference is November 2, 2010, as identification of a general or special election are generally required for nomination papers. Response provides copies of nomination papers for Scott Walker, Mark Neumann, and Tom Barrett, all candidates for Governor for the November 2, 2010 election and all having identified the General Election as the election date. The response points out that the complainant's nomination papers identify the election and date as the "Special Partisan Election" to be held on "September 14, 2010." The Respondent notes that he understood the complainant intends to be a candidate for the November 2, 2010 General Election and so no challenge was filed, even though complainant's nomination papers were not technically correct.

Analysis: Section 8.15, Wis. Stats., governs "Nominations for September Primary." Section 8.15(5)(a), Wis. Stats., provides that each nomination paper shall have substantially the following words printed at the top (excerpted): *I, the undersigned, request that the name of (candidate's name) residing at (candidate's street address) be placed on the ballot at the (general or special) election to be held on (date of election)...*

Although the statutory section is entitled "Nominations for September Primary," the wording prescribed for the top of each nomination paper requests the identification of the "general or special election" to be held. Past policy for this Board and the former Elections Board found substantial compliance with §8.15, Wis. Stats., where there was sufficient notice to the signers that the candidates were seeking office at the election immediately following circulation of the nomination papers. In the instant matter, the respondent identified the November 2, 2010 General Election and specifically satisfied the requirements of §8.15(5)(a), Wis. Stats. In addition, staff accepted the complainant's nomination papers as having substantially complied with §8.15, Wis. Stats., because the electors likely understood that the nomination papers were for the Fall Election 2010 and there was no evidence to the contrary.

Recommended Motion: Dismiss complaint.

**2. Andrew Davis Complaint against Vittorio Spadaro, Independent candidate for the 13<sup>th</sup> Senate District** Complaint EL10-08.

Staff assigned: Shane Falk

Board staff initially determined that Candidate Spadaro submitted 356 valid signatures. Correcting affidavits were submitted timely, which rehabilitated 56 additional signatures that staff had initially discounted. Board staff finally determined that Candidate Spadaro submitted a total of 412 valid signatures. State law requires a minimum of 400 valid signatures for the office of State Senator. The complaint alleges several deficiencies in the nomination papers, including: incomplete dates of signatures, missing date for certification of circulator, signatures dated after date of certification of circulator, missing municipality of residence, missing street address, illegible street address, and signatures from persons residing outside the requisite district. The complainant likely had not reviewed copies of the correcting affidavits prior to filing the complaint.

No response was filed.

Board staff completed a Challenge Work Sheet identifying 10 valid challenges, reducing to 402 the total number of signatures verified by staff. (See attached.) Of the 10 valid challenges, 4 signatures were determined invalid after staff verified via the Voter Public Access (VPA) function in SVRS that the address did not fall within the requisite district; 3 signatures were determined invalid due to the signatory's address missing or illegible, or missing a municipality of residence; and 3 signatures were determined invalid due to missing dates or invalid dates.

Recommended Motion: Approve challenge as to 10 signatures and deny remaining challenges, verify 402 valid signatures, and grant ballot access.

**3. Charla Halverson Complaint against Tammy Baldwin, Democratic candidate for the 2<sup>nd</sup> Congressional District** Complaint EL10-09.  
Baldwin Response-7/19/2010

Board staff determined that Candidate Baldwin submitted 1614 valid signatures, more than the minimum 1000 signatures required of candidates for the U.S. House of Representatives. The Complaint alleges that all of the nomination papers did not substantially comply with requirement to list candidate's address because the papers listed the campaign office address rather than the candidate's residential address, and that therefore all of the signatures should be rejected.

The Response states that significant security reasons justify Candidate Baldwin's use of the campaign office address rather than her residential address, that relevant statutes and administrative rules do not require the use of her residential address to achieve substantial compliance, and that the Government Accountability Board and Elections Board have previously approved the use of her campaign office address on nomination papers.

Board staff recommends continuing to permit Candidate Baldwin to list her campaign office address instead of her residential address. On a case-by-case basis, the Board has previously permitted judges with security concerns to use a post office box rather than a street address on reports filed with the Board. Staff believes that in the case of Candidate Baldwin, this practice achieves substantial compliance with §8.15(5)(a), Wis. Stats., given (1) the security concerns documented by the Response; (2) Candidate Baldwin's sworn statement on her Declaration of Candidacy that she meets the residency requirements prescribed by the federal and state constitutions and laws; (3) the lack of evidence to the contrary in the Complaint; and (4) staff's verification that Candidate Baldwin's voting address is in the 2<sup>nd</sup> Congressional District. Staff further recommends that the Board clarify that this decision is intended to apply to future election cycles, absent a change in evidence establishing that Candidate Baldwin no longer resides in the 2<sup>nd</sup> Congressional District.

Recommended Motion: Dismiss challenge complaint of Charla Halverson against Candidate Tammy Baldwin, verify 1614 valid signatures, and permit Candidate Baldwin's use of a campaign office address in place of her residential address on nomination papers for the 2010 and future elections, absent a change in evidence establishing that Candidate Baldwin no longer resides in the 2<sup>nd</sup> Congressional District.

**4. Nicholl Caruso Complaint against Paris Procopis, Republican candidate for the 13<sup>th</sup> Assembly District** Complaint EL10-10.

Staff assigned: Michael Haas

Candidate Procopis submitted nomination papers containing 200 signatures, which is the minimum number required of Assembly candidates. The Board's staff initially rejected two signatures because the signature dates were incomplete. Candidate Procopis submitted a circulator's affidavit to rehabilitate the two signatures, which were also challenged by the Complaint.

However, the Complaint also alleges and provides evidence establishing that one of the signers resides outside of the 13<sup>th</sup> Assembly District and that 7 of the signers had previously signed nomination papers of other candidates. Candidate Procopis did not file a response to these additional challenges. The two signatures rehabilitated to provide a complete date are counted as valid. Therefore, Board staff has rejected 8 signatures, leaving Candidate Procopis with 192 valid signatures, and recommends that Candidate Procopis not be certified for ballot access.

Recommended Motion: Sustain the challenge of Nicholl Caruso against Candidate Procopis, verify 192 valid signatures, and deny ballot access for the 2010 Partisan Primary and General Election.

**5. Richard Sass Complaint against Scott Feldt, Republican candidate for State Treasurer** Complaint EL10-11.  
Feldt Response-7/19/2010

Staff assigned: Michael Haas

Board staff determined that Candidate Feldt had submitted 2747 valid signatures, exceeding the minimum number of 2000 signatures required of statewide offices. The Complaint alleges that Candidate Feldt may not be a Wisconsin resident and therefore the candidate's address on the nomination papers was misleading to signers, and all signatures should be rejected. The Complaint does not provide any documentary or independent evidence to support the Complainant's allegations or to overcome the presumption that information included on the nomination papers is valid.

The Response includes a sworn statement from Candidate Feldt affirming that he resides at the address listed on the nomination papers, as well as copies of his Wisconsin driver license issued on April 30, 2010, as well as utility bills in his name at the Wisconsin address dated in the spring of 2010.

Candidates for State Treasurer are required to be qualified electors of the State of Wisconsin as of the date of taking office, pursuant to §8.21(2)(b). Board staff concluded that the Complaint fails to overcome the presumption of validity that attaches to information on nomination papers and the evidence provided in the response, and recommends dismissing the Complaint.

Recommended motion: Dismiss the Complaint, verify 2747 valid signatures, and grant ballot access for Candidate Feldt.

**6. Andrew Davis Complaint against Todd Kolosso, Democratic candidate for Congressional District 5** Complaint EL10-13.  
Kolosso Response-7/19/2010

Staff assigned: Michael Haas

After Candidate Kolosso submitted correcting affidavits following the initial review, Board staff verified 1188 valid signatures, in excess of the minimum 1000 required signatures for U.S. Representative. The Complaint raises six bases for challenging signatures which are summarized herein. The Response argues that incomplete dates can be verified based upon ditto marks and other information on the nomination papers; that a missing municipality of residence can be determined by publicly available information as well as information on the nomination papers; that signatures have been counted

regardless of whether the name is printed or signed; and that a circulator's signature can be valid, regardless of a minor error, based upon information on the nomination papers.

The Challenge Work Sheet itemizes the challenges and staff decisions. The first issue raised in the Complaint involves signatures of circulators. Candidate Kolosso submitted a correcting affidavit to rehabilitate signatures obtained by circulator Katherine Brooks on page 133, and therefore staff counted those signatures as valid. Staff also counted as valid the signatures on page 80, in which the circulator's printed name of "Milwaukee" appears to be different than the last name of the signature. In that instance, there appears that there might be an error in the circulator's statement, which was not corrected by an affidavit. However, staff does not believe that the Complaint provides sufficient evidence to overcome the validity of presumption sufficiently to reject the signatures. Furthermore, even if the Board did reject signatures on page 80, Candidate Kolosso would surpass the minimum number of required signatures based on the remainder of this recommendation.

The second challenge raised in the Complaint is to signatures of individuals who are alleged to reside outside the Fifth Congressional District, and therefore not being qualified to sign pursuant to GAB §2.05(15)(e). After review of the Complaint, Board staff rejected 96 signatures based on this challenge that had been initially counted as valid.

The third challenge raised in the Complaint is to incomplete dates of signers. Of the 18 signatures challenged for this reason, Board staff counted 15 as valid because the incomplete date was bracketed by complete dates of other signers, pursuant to GAB §2.05(15)(a). Three signatures were rejected after being counted as valid in the initial staff review.

The fourth challenge raised in the Complaint alleged that one signature was missing a complete addresses and the address is outside the congressional district. Following review of the Complaint, Board staff rejected this signature which had been counted as valid in the initial staff review of the nomination papers.

The fifth challenge raised in the Complaint alleged that signatures failed to include the proper municipality of residence. Board staff counted as valid the 12 signatures challenged because the municipality of residence could be determined by other information contained on the nomination papers, pursuant to GAB §2.05(15)(c). For instance, the municipality of "WFB" was determined by the mailing address to indicate "Whitefish Bay", or "Gtown" was determined by the zip code to indicate "Germantown."

The sixth challenge in the Complaint requests that 51 signatures be rejected because the signer printed the name. Staff counted as 51 signatures as valid, as GAB § 2.05(8) requires that the elector "sign his or her own name...." The rule does not require that the signature be made in cursive.

Following review of the Complaint, Board staff verified 1089 signatures and recommends that the Board dismiss the challenge.

Recommended Motion: Dismiss the challenge complaint of Andrew Davis against Candidate Kolosso, verify 1089 valid signatures, and grant ballot access to Candidate Kolosso.

**7. Kristen Crowell Complaint against Matt Bitz, Democratic candidate for 75<sup>th</sup> Assembly District** Complaint EL10-12.  
Bitz Response-7/19/2010

Staff assigned: Shane Falk

Board staff determined Candidate Bitz submitted a total of 372 valid signatures. The complaint alleges disqualification of Candidate Bitz for failure to meet Wisconsin Constitution one year residency requirement.

The complainant provided a copy of a certified registration card from the New York City of Elections dated 9/25/08 and signed by Candidate Bitz. The registration card includes an affidavit swearing or affirming that Candidate Bitz was a U.S. citizen, lived in the city for at least 30 days before the election, met all the requirements to vote in New York State, that this information is true and if not, exposes him to a conviction and possible fine up to \$5,000 and/or jail for up to 4 years.

The complainant further provided a copy of a certified voting record from the New York City Board of Elections, documenting that Candidate Bitz was active as of 9/26/08 and voted in New York on 11/4/08, 9/15/09, and 11/3/09.

The response alleges that Candidate Bitz is a lifelong resident of the State of Wisconsin and the 75<sup>th</sup> Assembly District. However, the affidavit of Candidate Bitz establishes the following timeline for his place of "residence:"

1. Born and raised in Rice Lake, Wisconsin, where he resided till graduating high school in 1997.
2. Attended college at UW Madison from 1997-2002, voted in Dane County, but asserts that he maintained his residence in Rice Lake.
3. Returned to Rice Lake for work, where he lived from 2002-2004.
4. Attended graduate school at NYU, where he lived from 2004 to 2007 while he attended school, but asserts that he maintained his residence in Rice Lake.
5. After graduating in 2007, took what was to be a temporary job working for a City of New York Councilwoman.
6. Voted absentee in Wisconsin in 2004 and 2006.

Board staff examined Candidate Bitz's registration and voting record in Wisconsin via SVRS and VPA. Staff learned that Candidate Bitz's registration was inactivated in SVRS on November 12, 2007. Candidate Bitz does not have a record voting in Wisconsin since November 7, 2006. In addition, Candidate Bitz registered anew in Rice Lake, Wisconsin on May 17, 2010.

Subsequent to Candidate Bitz's response, the complainant provided a transcript from a hearing by the New York City Department of Education, Office of Portfolio Planning, for a hearing that occurred on January 8, 2010. On page 17, Candidate Bitz is recorded as having spoke on behalf of his employer, Council member Dickens. In addition, the complainant indicated that she had spoken with Council member Dickens' office on July 20, 2010, and was informed that Candidate Bitz was employed by Council member Dickens for 3 ½ years, leaving a few months earlier.

Following a request by Board staff of Candidate Bitz's attorney for additional documentation and proof of having resided in Wisconsin since early January 2010, Candidate Bitz's attorney provided Board staff with a summary of his oral presentation for the Board meeting. In this document, Candidate Bitz argues that the one year constitutional provision does not mean that he must reside in Wisconsin for one year immediately preceding his term of office.

Candidate Bitz's attorney contacted Board staff and indicated that Candidate Bitz moved from New York City back to Rice Lake, Wisconsin on May 16, 2010.

Analysis: Section 8.30(1)(c), Wis. Stats., provides that the official or agency with whom declarations of candidacy are required to be filed *may refuse* to place the candidate's name on the ballot, if the candidate, if elected, could not qualify for the office sought within the time allowed by law for qualification because of age, residence, or other impediment. The G.A.B. is the agency with which candidates for State elective offices file their declarations of candidacy.

Article IV, Section 6 of the Wisconsin Constitution provides: "No person shall be eligible to the legislature who shall not have resided for one year within the state, and be a qualified elector in the district which he may be chosen to represent."

This Board, nor the former Elections Board, has exercised the authority to refuse to place a candidate on the ballot for failure of said candidate to qualify for an office, if elected. In the context of this complaint, the complainant is requesting that the Board specifically exercise this authority and deny Candidate Bitz ballot access because he allegedly cannot qualify for the Office of Assembly, 75<sup>th</sup> District.

In the past, Board staff has responded informally to requests for advice on several occasions regarding the application of Article IV, Section 6 of the Wisconsin Constitution. On these occasions, Board staff has provided the following advice:

The State Attorney General has taken the position that a candidate for the legislature need not be a resident of the district which he seeks to represent at the time he files his nomination papers. 65 Op. Atty. Gen. 159 (1967). That opinion suggests that requiring a candidate to be a resident of the district at the time of circulating nomination papers is an additional requirement to the qualifications set out in Article IV, Section 6. Based on the general rule that statutory qualifications cannot be more restrictive than constitutional requirements, the attorney general rules that a candidate need not be a resident of the district at the time of circulating nomination papers. It is the opinion of the attorney general that as long as the individual is a qualified elector at the time he or she took office, and met the residency requirement, he would qualify to hold office in the state legislature.

According to the same attorney general opinion, the Board may refuse to certify a candidate pursuant to §8.30, Wis. Stats., if the candidate could not meet the requirement in Article IV, Section 6, that the candidate reside within the state for one year to be eligible to the legislature. That statute permits a filing officer to refuse to place a candidate's name on the ballot who can not meet the applicable age, citizenship or residency requirements. The attorney general suggested that the candidate should be given the opportunity, upon notice, to appear before the Board and be heard on the issue. Citing Manning v. Young, 210 Wis. 588, 247 NW 61 (Wis. 1933).

The decision in Manning v. Young recognizes that the right to run for elective office is a fundamental right which should not be frustrated. However, the qualifications set out in the Constitution should be treated as mandatory. There are two possible constructions of the one year residency requirement. The logical construction is that the individual must be a resident in the state for one year prior to taking office in the legislature. This provides the candidate with a level of familiarity with the issues in the state, and enables the electors to be aware of the candidate and his or her qualifications. The second interpretation would confer eligibility to run for office on any individual who at any point in his or her life resided for at least one year in the state. This interpretation does not appear to serve any legitimate purpose.

The logical application of this requirement means that a candidate who cannot qualify for office because he or she has not resided for one year prior to taking office cannot properly swear to the affidavit and the declaration of candidacy that states he or she will meet "all applicable age, citizenship, residency and voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and State of

Wisconsin, and that I [he/she] will otherwise qualify for office, if nominated and elected.”

It is the informal opinion of staff that any candidate not having resided in Wisconsin for one year immediately preceding taking office, if elected, would not be eligible for the legislature. The difficulty with the Board taking such a formal position on this matter is that the final judge on the eligibility of an individual to hold office in the Assembly or Senate must be made by the members of that legislative body. See State ex. Rel. Elfers v. Olson, 26 Wis.2d 422 (Wis. 1965). To date, the Board, nor the Elections Board, has taken such a formal position.

No appellate court has reviewed this specific one year residency issue regarding the application of Article IV, Section 6. However, after providing the above informal advice in the past, Board staff is not aware of any of the requestors having filed nomination papers.

Recommended Motions:

1. Formally adopt an interpretation of Article IV, Section 6 of the Wisconsin Constitution requiring that a candidate is not eligible to the legislature unless having resided in Wisconsin for one year immediately preceding taking office.
2. Since Candidate Bitz returned to reside in Wisconsin on May 16, 2010 and has not resided in Wisconsin for one year preceding taking office, if elected, Candidate Bitz does not satisfy the requirements of §8.30(1)(c), Wis. Stats. and is denied ballot access.

**8. Andrew Davis Complaint against William Tucker, Independent candidate for US Congressional District 1**    Complaint EL10-14  
Tucker Response-7/17/2010  
Tucker Supplemental Signatures-7/16/2010  
Tucker Supplemental Signatures count

Staff assigned: Shane Falk

Board staff determined that Candidate Tucker submitted a total of 1,042 valid signatures. State law requires a minimum of 1,000 valid signatures for the office of Representative in Congress. The complaint alleges several deficiencies, including missing municipality of candidate, signatures from persons residing outside the requisite district, and signatures dated after the date of certification of circulator. The complaint challenged 65 signatures due to an address that falls outside the requisite district and 1 signature for an invalid date.

The response alleges that his municipality is included in each of his nomination papers and that challenge of all the nomination papers should fail. The response conceded the

challenge to the 65 signatures and thereby admitted that those signatures were from persons residing outside the requisite district. (Note: respondent believed the total to be 60, but his responsive pleading concedes the paragraphs of the complaint alleging these challenges and the total is 65.) The response also argues that the challenge of 1 signature for an invalid date is not sustainable. Finally, the response alleges that there are an additional 25 valid signatures that should be added to his final total. This allegation is based upon his belief that he properly filed 41 supplemental signatures with the G.A.B. on July 14, 2010.

Board staff completed a Challenge Worksheet identifying the 65 valid challenges, reducing to 977 the total number of signatures verified by staff. (See attached.)

Analysis:

A. The complainant challenges the heading of the nomination papers with respect to an alleged insufficiency for failure to provide the municipality of residence for the candidate. Pursuant to GAB §2.05(5), Wis. Adm. Code, “where a required item of information on a nomination paper is incomplete, the filing officer **shall** accept the information as complete if there has been substantial compliance with the law.” Furthermore, any information on a nomination paper is entitled to a presumption of validity. GAB §2.05(4), Wis. Adm. Code.

In the instant matter, Candidate Tucker has substantially complied with the requirements of §8.15(5)(a), Wis. Stats., regarding the heading of his nomination papers. Candidate Tucker did mark the box “city” for his municipality for voting purposes, then entered “New Berlin” as his municipality for his mailing address. The same street address is provided in the certification of circulator, where Candidate Tucker signed. The combination of providing the same street address throughout each nomination paper, checking the box “city” for municipality for voting purposes, and including “New Berlin” as his municipality for his mailing address, substantially complies with the requirements of §8.15(5)(a), Wis. Stats.

B. The complaint challenges 65 signatures for addresses that fall outside the requisite district. In his response, Candidate Tucker concedes each paragraph of the complaint alleging improper signatures. Therefore, Candidate Tucker has admitted that the complainant has met his burden of proof and these signatures are invalid.

C. The complaint challenges 1 signature as invalid because allegedly it is dated “6/17/10” and the certification of circulator was signed “6/12/10.” The response argues that the signature is actually dated “6/12/10” and valid. Upon staff’s review, the date contains a sharp “2” more like a “Z.” Staff determined that the signature contained a valid date.

D. In his response, Candidate Tucker argues that 25 supplemental signatures (from a total of 41) should be added to his total. However, these supplemental signatures were

not received by the G.A.B. until Friday, July 16, 2010. Pursuant to §8.15(1), Wis. Stats., the filing deadline for nomination papers was 5:00 p.m., July 13, 2010. Filing deadlines are mandatory and are strictly enforced. Ahlgrimm v. SEB, 82 Wis.2d 585, 263 N.W.2d 152 (Wis. 1978). Since the supplemental signatures were received 3 days after the mandatory statutory deadline, Board staff rejected Candidate Tucker's supplemental signatures as untimely.

Candidate Tucker has argued that a G.A.B. staff member, Mr. Steve Pickett, informed him that he could file supplemental signatures as late as "Tuesday July 14." When informed of the fact that July 14 was Wednesday, Candidate Tucker insisted that Mr. Pickett authorized turning in supplemental signatures on July 14. He further argues that he had difficulties getting to the G.A.B. office on July 14 after suffering a fall and hitting his head, so he went to the post office and mailed the supplemental signatures. Before mailing them, he had the post office date stamp them. He argued that he would not have gone through all that trouble if he had not been told that he could submit supplemental signatures after July 13.

Mr. Pickett recalls the conversation with Candidate Tucker much differently. Mr. Pickett has advised that after reviewing Candidate Tucker's initial submission of nomination papers, he verified signatures slightly above the required 1,000. As is the practice of the G.A.B., Mr. Pickett decided to attempt to contact Candidate Tucker to inform him that he may wish to file supplemental signatures, in case he was challenged. Mr. Pickett had great difficulty reaching Candidate Tucker because the G.A.B. did not have an accurate telephone number. Mr. Pickett talked to a local clerk and may have spoken to Candidate Tucker's brother to obtain a phone number, but to no avail. Candidate Tucker finally contacted Mr. Pickett. Mr. Pickett advises that he proceeded to inform Candidate Tucker that he may wish to consider filing supplemental signatures by July 13 in case he would be challenged. Mr. Pickett also advised Candidate Tucker that a number of signatures found invalid could in fact be rehabilitated with correcting affidavits, which could be filed by Friday, July 16. Apparently, the conversation involved much back and forth regarding both supplemental signatures and correcting affidavits; however, Mr. Pickett advises that he clarified several times that supplemental signatures must be submitted by July 13.

In light of Candidate Tucker's argument regarding the filing of the supplemental signatures, staff did review the supplemental signatures for validity only for purposes of full preparation for the hearing on this matter. Staff recommends that the Board disallow the supplemental signatures as untimely. If the supplemental signatures are considered, staff has determined that there are only 18 signatures that could have been counted had they been filed timely. (Two exhibits may be viewed on screen.) This still leaves Candidate Tucker short of the 1,000 signatures needed to grant ballot access.

Recommended Motions:

1. Reject supplemental signatures received on July 16, 2010 as untimely.

2. Approve challenge as to 65 signatures and deny remaining challenges, verify 977 signatures, and deny ballot access.
3. Determine that if the supplemental signatures were received timely, only 18 signatures could be verified.

**9. Andrew Davis Complaint against John Heckenlively, Democratic candidate for US Congressional District 1** Complaint EL10-15 Pt.1  
Complaint EL10-15 Pt.2  
Heckenlively Response-7/19/2010

Staff assigned: Michael Haas

The Board staff initially verified 853 of the 1200 signatures submitted by Candidate Heckenlively. Correcting affidavits were submitted by Candidate Heckenlively, some of which were filed shortly before the challenge. Board staff then verified 1059 signatures as valid based upon the correcting affidavits, exceeding the minimum 1000 signatures required of a candidate for U.S. Representative. The Complaint alleges several deficiencies, including omission of election year, missing address information for circulators, missing circulator signature, signers residing outside of district, missing address information, and invalid dates for a number of signers.

The Response notes that correcting affidavits had rehabilitated a number of signatures that had been initially rejected by Board staff. The Response also argues that the absence of the year 2010 in the election date on the header of the nomination paper did not mislead signers, and the nomination papers could reasonably be understood to pertain only to the 2010 General Election. The Response also notes that several incomplete addresses can be verified as within the First Congressional District based upon information contained on the Board's Voter Public Access website.

Regarding the first challenge in the Complaint, Board staff consistently interpreted the statutory requirement to include the election date to allow either the Partisan Primary date or the General Election date, in order to encourage access to the ballot. In addition, GAB §2.05(5) provides that, where required information on a nomination paper is incomplete, Board staff shall accept the information as complete if there has been substantial compliance with the law. Absent evidence that any signer was misled by the incomplete date, Board staff rejected this challenge as a basis for invalidating any signatures.

The second challenge in the Complaint alleged that signatures were missing complete residency information. Board staff found that valid addresses of the 52 signatures challenged could be determined by the addresses themselves or by other information contained on the nomination papers.

The third challenge stated that a circulator's signature was missing. The Response indicated that a correcting affidavit was submitted by this circulator, but that affidavit has

not been received by the Board. Therefore staff has not counted as valid the 10 signatures on page 128.

The fourth challenge in the Complaint alleged that 10 signatures contained residences outside of the First Congressional District. In each case Board staff verified that the address listed was located in the congressional district, and therefore counted all 10 signatures.

The fifth challenge asserted that 6 signatures were incomplete or invalid. Board staff had rejected 4 of the signatures in the initial staff review, and rejected the 2 additional signatures with invalid or incomplete addresses.

The sixth challenge in the Complaint challenged 6 signatures due to incomplete or invalid dates. Board staff determined that the circulator's signature on page 14 contained valid dates on which signatures were collected, and that illegible dates for 2 signatures were bracketed by valid dates and therefore were to be counted. Board staff counted as valid a final signature that the Complaint alleged to be illegible.

After review of the Complaint, correcting affidavits, and the Response, Board staff verified 1048 signatures submitted by Candidate Heckenlively, and recommends dismissal of the Complaint.

Recommended Motion: Dismiss the Complaint of Andrew Davis against Candidate Heckenlively, verify 1048 valid signatures, and grant ballot access to Candidate Heckenlively.

**10. Andrew Davis Complaint against Andrew Wisniewski, Republican candidate for 25<sup>th</sup> Assembly District** Complaint EL10-16.

Staff assigned: Shane Falk

Board staff determined that Candidate Wiesniewski submitted a total of 201 valid signatures. State law requires a minimum of 200 valid signatures for the office of Representative to the Assembly. The complaint alleges two deficiencies, including signatures from persons residing outside the requisite district and illegible municipality of residence.

No response was filed.

Board staff completed a Challenge Work Sheet identifying 5 valid challenges, reducing to 196 the total number of signatures verified by staff. (See attached.) All 5 valid challenges were established after staff verified via the Voter Public Access (VPA) function in SVRS that the address did not fall within the requisite district.

Recommended Motion: Approve challenge as to 5 signatures and deny remaining challenges, verify 196 valid signatures, and deny ballot access.

**11. Eric Koch v Peggy Krusick, Democratic candidate for 7<sup>th</sup> Assembly District**  
Complaint EL10-17.

Staff assigned: Michael Haas

The Complainant notified Board staff on July 20, 2010 that he was withdrawing the Complaint. No Board action is required.

### CHALLENGE WORK SHEET

1. NAME OF CHALLENGER – Andrew Davis
2. NAME OF CANDIDATE CHALLENGED – Vittorio Spadaro
3. OFFICE SOUGHT BY CANDIDATE – State Senator – District 13
4. NUMBER SIGNATURES REQUIRED FOR OFFICE SOUGHT - 400
5. GROSS NUMBER OF SIGNATURES SUBMITTED BY CANDIDATE - 560
6. NUMBER OF SIGNATURES VERIFIED BY STAFF - 412
7. NUMBER OF PAGES CHALLENGED – 33
8. REASONS FOR CHALLENGE TO PAGES – See reason per line below:
  - A. Page 37: Incomplete dates on individual lines: An affidavit was filed by the circulator, submitted to the G.A.B. on July 16, 2010 for page 37, verifying that 10 signatures were in fact submitted in the year 2010. Line 1 from page 37 has been challenged under Date Challenges, subset E. (no change)
  - B. Page 20: Incomplete dates on individual lines: A correcting affidavit was filed by the circulator, submitted to the G.A.B. on July 16, 2010 for page 20, verifying that 9 signatures were in fact submitted in the year 2010. (no change)
  - C. Page 55: Incomplete dates on individual lines: Candidate supplied correcting affidavit on July 16, 2010 rehabilitating 8 signatures, which were counted by the G.A.B. G.A.B. did not count 2 signatures, lines 3 and 10. (no change)
  - D. Page 56: Missing date of circulator on sheet: Signatures were not counted in G.A.B.'s initial review of this candidate's nomination papers. (no change)
9. TOTAL NUMBER OF INDIVIDUAL SIGNATURES CHALLENGED –
10. REASONS FOR CHALLENGE TO INDIVIDUAL SIGNATURES

#### SIGNATORY ADDRESS OUTSIDE DISTRICT

- A. Page 14 Line 5: Address is located outside the jurisdiction of State Senate district 13. (do not count signature)

- B. Page 37 Line 10: Address is located outside the jurisdiction of State Senate district 13. (do not count signature)
- C. Page 38 Line 5: Address is located outside the jurisdiction of State Senate district 13. (do not count signature)
- D. Page 43 Line 10: Address is located within the jurisdiction of State Senate District 13. VPA verified. (no change)
- E. Page 53 Line 6: Address is located outside the jurisdiction of State Senate district 13. (do not count signature)

SIGNATORY ADDRESS BLANK OR ILLEGIBLE/MISSING  
MUNICIPALITY:

- A. Page 12 Line 7: Signature is missing type of municipal residence. Via VPA, the address is within the Jurisdiction for Senate District 13. (no change)
- B. Page 13 Line 4: Signature is missing type of municipal residence. Via VPA, the address is with the Jurisdiction for Senate District 13. (no change)
- C. Page 21 Line 6: Signature is missing type of municipal residence. The above address of the signature in question is the same and has the correct type of municipality notated, therefore accepted by the G.A.B. (no change)
- D. Page 24 Lines 8-9: Signature is missing type of municipal residence. Via VPA, the address is with the Jurisdiction for Senate District 13. (no change)
- E. Page 43 Line 6: Signature is missing type of municipal residence. The address can not be verified via VPA because it is illegible. (do not count signature)
- F. Page 48 Line 4: Signature is missing type of municipal residence. Via VPA, the address is with the Jurisdiction for Senate District 13. (no change)
- G. Page 49 Line 4: Signature is missing type of municipal residence. Via VPA, the address is with the Jurisdiction for Senate District 13. (no change)
- H. Page 50 Line 7: Signature is missing type of municipal residence. Via VPA, the address is with the Jurisdiction for Senate District 13. (no change)
- I. Page 7 Line 9: Address is a PO Box. All districts of the municipality are within the jurisdiction of State Senate District 13. (no change)
- J. Page 12 Line 10: Address is a PO Box. All districts of the municipality are within the jurisdiction of State Senate District 13. (no change)

- K. Page 13 Line 8: Address is a PO Box. All districts of the municipality are within the jurisdiction of State Senate District 13. (no change)
- L. Page 15 Line 7: Missing the required street name for the address. This is a valid challenge. (do not count signature)
- M. Page 16 Line 4-5: Address is a PO Box. All districts of the municipality are within the jurisdiction of State Senate District 13. (no change)
- N. Page 20 Line 10: Missing the required street number. The signature was not counted in the review of the nomination papers OR the review of the affidavit that was submitted for page 20 to the G.A.B. on July 17, 2010. (no change)
- O. Page 32 Line 5: Address is legability is in question and whether it is verifiable within the jurisdiction of State Senator District 13. Address is listed as CTY RD Y, and via VPA is within the jurisdiction. (no change)
- P. Page 43 Line 6: This signature was already discredited above in subset E under this heading. (no change)
- Q. Page 27 Line 8-9: Illegible addresses could not be verified. The street names in question are Mary (line 8) and Autumn Woods (line 9). Both addresses are within the Jurisdiction for State Senate District 13. (no change)
- R. Page 9 Line 7: Address was verified in VPA as being outside the jurisdiction for State Senate District 13. (do not count signature)
- S. Page 9 Line 8: Address was verified in VPA as being within the jurisdiction for State Senate District 13. (no change)
- T. Page 19 Line 9: Address (102 Jackson St) was verified in VPA as being within the jurisdiction of State Senate District 13. (no change)
- U. Page 23 Line 3: Address was verified in VPA as being within the jurisdiction for State Senate District 13. (no change)
- V. Page 25 Line 9-10: Address was verified in VPA as being within the jurisdiction for State Senate District 13. (no change)
- W. Page 27 Line 1: Address was verified in VPA as being within the jurisdiction and having the correct municipality of residence selected for State Senate District 13. (no change)
- X. Page 36 Lines 1-3: Address was verified in VPA as being within the jurisdiction for State Senate District 13. Even though the municipality was

incorrect, because of the complete and valid address no change is to be made.  
(no change)

- Y. Page 37 Line 9: Municipality of residence was incorrectly marked. The address is from the village of Kekoskee not the Town of Mayville as it was listed on the nomination paper. The address was verified in VPA as being within the jurisdiction for State Senate District 13. (no change)
- Z. Page 46 Line 1: Municipality of residence was incorrectly marked. The address is from the city of Mayville, not the town as it was listed on the nomination paper. The address was verified in VPA as being within the jurisdiction for State Senate District 13. (no change)
- AA. Page 47 Line 1: Municipality of residence was incorrectly marked. The address is from the town of Lomira, not the village as it was listed on the nomination paper. The address was verified in VPA as being within the jurisdiction for State Senate District 13. (no change)

NUMBER OF SIGNATURES REPAIRED BY CORRECTING AFFIDAVITS:

SIGNATURE UNDATED OR OTHERWISE INVALIDLY DATED

- A. Page 35 Line 2: Contains a date that occurred after the date of the circulator. This is a valid challenge. (do not count signature)
- B. Page 43 Line 8-10: Contains a date that occurred after the date of circulator. G.A.B. did not count these signatures in the original nomination review. (no change)
- C. Page 37 Line 1: Contains a date that occurred after the date of circulator. An affidavit was filed by the circulator to verify the year of the signatures on this page but did not qualify this signature. (do not count signature)
- D. Page 45 Line 6: Contains a date that occurred after the date of circulator. This is a valid challenge. (do not count signature)
- E. Page 43 Lines 1-5: Contains an incomplete date, missing the year. G.A.B. did not count these signatures in the original nomination review. (no change)
- F. Page 32 Lines 7-10: Contains an incomplete date, missing the year. G.A.B. did not count these signatures in the original nomination review. (no change)
- G. Page 22 Lines 9-10: Contains an incomplete date, missing the year. G.A.B. did not count these signatures in the original nomination review. (no change)

- H. Page 13 Lines 1-8: Contains an incomplete date, missing the year. An affidavit was filed by the circulator, submitted to the G.A.B. on July 16, 2010 for page 13, verifying that the 8 signatures in question were in fact submitted in the year 2010. (no change)
- I. Page 2 Lines 1-8: Contains an incomplete date, missing the year. An affidavit was filed by the circulator, submitted to the G.A.B. on July 16, 2010 for page 2, verifying that the 8 signatures in question were in fact submitted in the year 2010. (no change)
- J. Page 3 Lines 1-9: Contains an incomplete date, missing the year. An affidavit was filed by the circulator, submitted to the G.A.B. on July 16, 2010 for page 3, verifying that the 9 signatures in question were in fact submitted in the year 2010. 1 of the verified signatures was from outside the candidate's jurisdiction and was not counted. G.A.B.'s signature count reflects this information. (no change)
- K. Page 49 Lines 9-10: Contains an incomplete date, missing the year. G.A.B. did not count these signatures in the original nomination review. (no change)
- L. Page 52 Lines 9-10: Contains an incomplete date, missing the year. G.A.B. did not count these signatures in the original nomination review. (no change)
- M. Page 36 Lines 1-5: Contains an incomplete date, missing the year. An affidavit was filed by the circulator, submitted to the G.A.B. on July 16, 2010 for page 36, verifying that the 5 signatures in question were in fact submitted in the year 2010. (no change)

11. NUMBER OF SIGNATURES VERIFIED BY STAFF AFTER CHALLENGE: 402

CHALLENGE WORK SHEET

1. NAME OF CHALLENGER –Nicholl Caruso
2. NAME OF CANDIDATE CHALLENGED –Paris Procopis
3. OFFICE SOUGHT BY CANDIDATE –Republican Representative for the 13<sup>th</sup> Assembly District
4. NUMBER SIGNATURES REQUIRED FOR OFFICE SOUGHT -200
5. GROSS NUMBER OF SIGNATURES SUBMITTED BY CANDIDATE -200
6. NUMBER OF SIGNATURES VERIFIED BY STAFF -200
7. NUMBER OF PAGES CHALLENGED – 6
9. TOTAL NUMBER OF INDIVIDUAL SIGNATURES CHALLENGED – 10
10. REASONS FOR CHALLENGE TO INDIVIDUAL SIGNATURES

SIGNATORY ADDRESS OUTSIDE DISTRICT

- A. Page 15 Line 6: Address is out of 13<sup>th</sup> Assembly District, See attached print out from Voter Public Access Database, address is in the 12<sup>th</sup> Assembly District, See attached Affidavit of Wauwatosa City Clerk Carla Ledesma, No response was made from the Candidate for the incorrect district challenged. (Valid Challenge, do not count the signature)

SIGNATURE UNDATED OR OTHERWISE INVALIDLY DATED

- A. Page 23 Line 1 & 2: 2 Incomplete Signature Dates, An affidavit was filed by the circulator, submitted to G.A.B. on July 15, 2010, verifying the 2 signatures were in the year 2010 .(Count both signatures)

NUMBER OF SIGNATURES REPAIRED BY CORRECTING AFFIDAVITS: 2

SIGNATORY EARLIER SIGNED NOMINATION PAPER OF CANDIDATE  
FOR SAME OFFICE

- A. Page 5 Line 7, 9: Both signatures dated 6/5 for Candidate Cullen; same signatures dated 7/1 for Candidate Procopis. (Valid Challenges, do not count the 2 signatures)
- B. Page 6 Line 1, 4, & 8: Both signatures dated 6/5 for Candidate Cullen; same signatures dated 7/12 lines 1 & 4 for Candidate Procopis; signature dated 7/10 for Candidate Procopis. (Valid Challenges, do not count the 3 signatures)
- C. Page 21 Line 10: Signature dated 7/12 for Candidate Becker; same signature signature dated 7/5 for Candidate Procopis. (Valid Challenge, do not count signature)
- D. Page 25 Line 1: Signature dated 6/13 for Candidate Cullen; same signature dated 7/12 for Candidate Procopis (Valid Challenge, do not count signature)

11. NUMBER OF SIGNATURES VERIFIED BY STAFF AFTER CHALLENGE: 192

CHALLENGE WORK SHEET

1. NAME OF CHALLENGER - **ANDREW DAVIS**
2. NAME OF CANDIDATE CHALLENGED – **TODD KOLOSSO**
3. OFFICE SOUGHT BY CANDIDATE – **CONGRESSIONAL DISTRICT 5**
4. NUMBER SIGNATURES REQUIRED FOR OFFICE SOUGHT – **1000**
5. GROSS NUMBER OF SIGNATURES SUBMITTED BY CANDIDATE – **1200**
6. NUMBER OF SIGNATURES VERIFIED BY STAFF – **1188 W/ CORRECTED AFFIDAVIDAT**
7. NUMBER OF PAGES CHALLENGED – **NONE**
8. REASONS FOR CHALLENGE TO PAGES – **N/A**
9. TOTAL NUMBER OF INDIVIDUAL SIGNATURES CHALLENGED – **Approx. 182**
10. REASONS FOR CHALLENGE TO INDIVIDUAL SIGNATURES

SIGNATORY ADDRESS OUTSIDE DISTRICT

*Number of Signatures Repaired by Correcting Affidavits: 0*

*Number of Signatures Reduced: 96*

- Page 77 Line 1: GAB COUNTED/ CHALLENGE VALID.
- Page 81 Line 2: GAB COUNTED/ CHALLENGE VALID
- Page 81 Line 6: GAB COUNTED / CHALLENGE VALID
- Page 81 Line 7: GAB COUNTED / CHALLENGE VALID
- Page 10 Line 10: GAB COUNTED / CHALLENGE VALID
- Page 16 Line 1: GAB COUNTED/ CHALLENGE VALID
- Page 123 Line 6 : GAB COUNTED / CHALLENGE VALID
- Page 42 Line 2: GAB COUNTED / CHALLENGE VALID
- Page 42 Line 5: GAB COUNTED / CHALLENGE VALID
- Page 42 Line 8: GAB COUNTED / CHALLENGE VALID
- Page 45 Line 3: GAB COUNTED / CHALLENGE VALID
- Page 45 Line 6: GAB COUNTED / CHALLENGE VALID
- Page 45 Line 7: GAB COUNTED / CHALLENGE VALID
- Page 45 Line 10: GAB COUNTED / CHALLENGE VALID
- Page 49 Line 4: GAB COUNTED / CHALLENGE VALID
- Page 19 Line 5: GAB COUNTED/ CHALLENGE VALID
- Page 19 Line 7: GAB COUNTED / CHALLENGE VALID
- Page 36 Line 4: GAB COUNTED / CHALLENGE VALID
- Page 36 Lines 7, 8, 9, 10: GAB COUNTED / CHALLENGE VALID

SIGNATORY ADDRESS OUTSIDE DISTRICT (CONTINUED)

• Page 37 Line 2:	GAB COUNTED / CHALLENGE VALID
• Page 60 Line 4:	GAB COUNTED/ CHALLENGE VALID
• Page 61 Line 1:	GAB COUNTED / CHALLENGE VALID
• Page 61 Line 3:	GAB COUNTED / CHALLENGE VALID
• Page 61 Line 6:	GAB COUNTED / CHALLENGE VALID
• Page 61 Line 8:	GAB COUNTED / CHALLENGE VALID
• Page 62 Line 1:	GAB COUNTED / CHALLENGE VALID
• Page 62 Line 3:	GAB COUNTED/ CHALLENGE VALID
• Page 62 Line 5:	GAB COUNTED / CHALLENGE VALID
• Page 62 Line 7:	GAB COUNTED / CHALLENGE VALID
• Page 62 Line 9:	GAB COUNTED / CHALLENGE VALID
• Page 62 Line 10:	GAB COUNTED / CHALLENGE VALID
• Page 63 Line 2:	GAB COUNTED / CHALLENGE VALID
• Page 63 Line 7:	GAB COUNTED / CHALLENGE VALID
• Page 63 Line 8:	GAB COUNTED / CHALLENGE VALID
• Page 63 Line 10:	GAB COUNTED / CHALLENGE VALID
• Page 64 Line 9:	GAB COUNTED/ CHALLENGE VALID
• Page 65 Line 8:	GAB COUNTED / CHALLENGE VALID
• Page 65 Line 9:	GAB COUNTED /CHALLENGE VALID
• Page 66 Line 4:	GAB COUNTED /CHALLENGE VALID
• Page 66 Line 10:	GAB COUNTED /CHALLENGE VALID
• Page 67 Line 1:	GAB COUNTED /CHALLENGE VALID
• Page 57 Line 1	GAB COUNTED/CHALLENGE VALID
• Page 58 Line 4	GAB COUNTED/CHALLENGE VALID
• Page 58 Line 5	GAB COUNTED/CHALLENGE VALID
• Page 59 Line 10	GAB COUNTED/CHALLENGE VALID
• Page 70 Line 3	GAB COUNTED/CHALLENGE VALID
• Page 1 Line 5	GAB COUNTED/CHALLENGE VALID
• Page 43 Line 2	GAB COUNTED/CHALLENGE VALID
• Page 43 Line 4	GAB COUNTED/CHALLENGE VALID
• Page 43 Line 7	GAB COUNTED/CHALLENGE VALID
• Page 43 Line 8	GAB COUNTED/CHALLENGE VALID
• Page 43 Line 9	GAB COUNTED/CHALLENGE VALID
• Page 78 Line 1	GAB COUNTED/CHALLENGE VALID
• Page 78 Line 2	GAB COUNTED/CHALLENGE VALID
• Page 78 Line 3	GAB COUNTED/CHALLENGE VALID
• Page 78 Line 6	GAB COUNTED/CHALLENGE VALID
• Page 78 Line 10	GAB COUNTED/CHALLENGE VALID
• Page 93 Line 4	GAB COUNTED/CHALLENGE VALID
• Page 89 Line 6	GAB COUNTED/CHALLENGE VALID
• Page 89 Line 7	GAB COUNTED/CHALLENGE VALID

• Page 44 Line 2      GAB COUNTED/CHALLENGE VALID  
• Page 3 Line 6      GAB COUNTED/CHALLENGE VALID  
SIGNATORY ADDRESS OUTSIDE DISTRICT (CONTINUED)

• Page 118 Line 5      GAB COUNTED/CHALLENGE VALID  
• Page 110 Line 3      GAB COUNTED/CHALLENGE VALID  
• Page 75 Line 7      GAB COUNTED/CHALLENGE VALID  
• Page 78 Line 1      GAB COUNTED/CHALLENGE VALID  
• Page 78 Line 2      GAB COUNTED/CHALLENGE VALID  
• Page 78 Line 3      GAB COUNTED/CHALLENGE VALID  
• Page 78 Line 4      GAB COUNTED/CHALLENGE VALID  
• Page 78 Line 5      GAB COUNTED/CHALLENGE VALID  
• Page 78 Line 6      GAB COUNTED/CHALLENGE VALID  
• Page 17 Line 8      GAB COUNTED/CHALLENGE VALID  
• Page 17 Line 10      GAB COUNTED/CHALLENGE VALID  
• Page 14 Line 5      GAB COUNTED/CHALLENGE VALID  
• Page 117 Line 9      GAB COUNTED/CHALLENGE VALID  
• Page 119 Line 3      GAB COUNTED/CHALLENGE VALID  
• Page 119 Line 5      GAB COUNTED/CHALLENGE VALID  
• Page 119 Line 6      GAB COUNTED/CHALLENGE VALID  
• Page 119 Line 7      GAB COUNTED/CHALLENGE VALID  
• Page 119 Line 8      GAB COUNTED/CHALLENGE VALID  
• Page 125 Line 3      GAB COUNTED/CHALLENGE VALID  
• Page 91 Line 1      GAB COUNTED/CHALLENGE VALID  
• Page 91 Line 2      GAB COUNTED/CHALLENGE VALID  
• Page 91 Line 3      GAB COUNTED/CHALLENGE VALID  
• Page 38 Line 4      GAB COUNTED/CHALLENGE VALID  
• Page 38 Line 5      GAB COUNTED/CHALLENGE VALID  
• Page 67 Line 5      GAB COUNTED/CHALLENGE VALID  
• Page 68 Line 3      GAB COUNTED/CHALLENGE VALID  
• Page 68 Line 6      GAB COUNTED/CHALLENGE VALID  
• Page 68 Line 8      GAB COUNTED/CHALLENGE VALID  
• Page 52 Line 8      GAB COUNTED/CHALLENGE VALID  
• Page 54 Line 6      GAB COUNTED/CHALLENGE VALID  
• Page 55 Line 5      GAB COUNTED/CHALLENGE VALID

SIGNATORY ADDRESS BLANK OR ILLEGIBLE / MISSING MUNICIPALITY:

*Number of Signatures Repaired by Correcting Affidavits: 0*

*Number of Signatures Reduced: 1*

• Page 70 Line 2:      GAB COUNTED/ CHALLENGE VALID  
• Page 110 Line 4      Counted by staff, challenge invalid  
• Page 110 Line 10      Counted by staff, challenge invalid  
• Page 17 Line 3      Counted by staff, challenge invalid

- Page 90 Line 2 Counted by staff, challenge invalid
- Page 90 Line 3 Counted by staff, challenge invalid
- Page 90 Line 5 Counted by staff, challenge invalid
- Page 90 Line 6 Counted by staff, challenge invalid
- Page 87 Line 1 Counted by staff, challenge invalid
- Page 87 Line 2 Counted by staff, challenge invalid
- Page 109 Line 1 Counted by staff, challenge invalid
- Page 56 Line 1 Counted by staff, challenge invalid
- Page 88 Line 1 Counted by staff, challenge invalid

**SIGNATURE UNDATED OR OTHERWISE INVALIDLY DATED**

*Number of Signatures Repaired by Correcting Affidavits: 0*

*Number of Signatures **Reduced**: 2*

- Page 16 Line 2: GAB COUNTED / CHALLENGE INVALID
- Page 16 Line 3 : GAB COUNTED / CHALLENGE INVALID
- Page 16 Line 4: GAB COUNTED / CHALLENGE INVALID
- Page 89 Line 9 : GAB COUNTED / CHALLENGE INVALID
- Page 132 Line 4 GAB COUNTED / CHALLENGE INVALID
- Page 132 Line 5 GAB COUNTED / CHALLENGE INVALID
- Page 132 Line 6 GAB COUNTED / CHALLENGE INVALID
- Page 132 Line 7 GAB COUNTED / CHALLENGE VALID
- Page 31 Line 6: GAB COUNTED / CHALLENGE INVALID
- Page 40 Line 3: GAB COUNTED / CHALLENGE INVALID
- Page 79 Line 9: GAB COUNTED / CHALLENGE INVALID
- Page 94 Lines 4, 5, and 6: GAB COUNTED / CHALLENGE INVALID
- Page 72 Lines 5 and 6: GAB COUNTED / CHALLENGE INVALID
- Page 121 Lines 6 and 10: GAB COUNTED / CHALLENGE VALID

**SIGNATURES ARE IMPROPERLY SIGNED**

*Number of Signatures Repaired by Correcting Affidavits: 0*

*Number of Signatures **Reduced**: 0*

- Page 49 Line 2 Counted by staff, challenge invalid
- Page 49 Line 7 Counted by staff, Challenge invalid
- Page 49 Line 8 Counted by staff, Challenge invalid
- Page 67 Line 2 Counted by staff, Challenge invalid
- Page 54 Line 4 Counted by staff, Challenge invalid
- Page 55 Line 4 Counted by staff, Challenge invalid
- Page 70 Line 1 Counted by staff, Challenge invalid
- Page 1 Line 8 Counted by staff, Challenge invalid
- Page 43 Line 1 Counted by staff, Challenge invalid
- Page 43 Line 2 Counted by staff, Challenge invalid

- Page 43 Line 3 Counted by staff, Challenge invalid
- Page 43 Line 4 Counted by staff, Challenge invalid
- Page 43 Line 5 Counted by staff, Challenge invalid
- Page 43 Line 6 Counted by staff, Challenge invalid

SIGNATURES ARE IMPROPERLY SIGNED (CONTINUED)

- Page 44 Line 8 Counted by staff, Challenge invalid
- Page 44 Line 9 Counted by staff, Challenge invalid
- Page 110, Line 9 Counted by staff, Challenge invalid
- Page 119 Line 1 Counted by staff, Challenge invalid
- Page 83 Line 1 Counted by staff, Challenge invalid
- Page 83 Line 2 Counted by staff, Challenge invalid
- Page 84 Line 1 Counted by staff, Challenge invalid
- Page 97 Line 3 Counted by staff, Challenge invalid
- Page 97 Line 5 Counted by staff, Challenge invalid
- Page 11, Line 9 Counted by staff, Challenge invalid
- Page 11 Line 10 Counted by staff, Challenge invalid
- Page 47 Line 1 Counted by staff, Challenge invalid
- Page 47 Line 2 Counted by staff, Challenge invalid
- Page 48 Line 3 Counted by staff, Challenge invalid
- Page 48 Line 4 Counted by staff, Challenge invalid
- Page 48 Line 5 Counted by staff, Challenge invalid
- Page 48 Line 9 Counted by staff, Challenge invalid
- Page 48 Line 10 Counted by staff, Challenge invalid
- Page 18, Line 1 Counted by staff, Challenge invalid
- Page 18 Line 2 Counted by staff, Challenge invalid
- Page 24 Line 10 Counted by staff, Challenge invalid
- Page 39 Line 1 Counted by staff, Challenge invalid
- Page 39 Line 5 Counted by staff, Challenge invalid
- Page 39 Line 6 Counted by staff, Challenge invalid
- Page 39 Line 7 Counted by staff, Challenge invalid
- Page 122, Line 7 Counted by staff, Challenge invalid
- Page 113 Line 3 Counted by staff, Challenge invalid
- Page 27 Line 6 Counted by staff, Challenge invalid
- Page 27 Line 7 Counted by staff, Challenge invalid
- Page 27 Line 10 Counted by staff, Challenge invalid
- Page 26 Line 3 Counted by staff, Challenge invalid
- Page 135 Line 4 Counted by staff, Challenge invalid
- Page 46 Line 3 Counted by staff, Challenge invalid
- Page 46 Line 4 Counted by staff, Challenge invalid
- Page 20 Line 10 Counted by staff, Challenge invalid
- Page 29 Line 2 Counted by staff, Challenge invalid
- Page 116 Line 3 Counted by staff, Challenge invalid

CERTIFICATION OF CIRCULATOR INCOMPLETE/INVALIDLY DATED:

*Number of Signatures Repaired by Correcting Affidavits: 7*

*Number of Signatures **Reduced: 0***

- Page 133: Counted by staff with correcting affidavit / Challenge invalid
- Page 80: Counted by staff/ Challenge invalid

11. NUMBER OF SIGNATURES VERIFIED BY STAFF AFTER CHALLENGE: **1089**

### CHALLENGE WORK SHEET

1. NAME OF CHALLENGER – The Republican Party of Wisconsin, Andrew Davis
2. NAME OF CANDIDATE CHALLENGED – William Tucker
3. OFFICE SOUGHT BY CANDIDATE – Congressional District 1
4. NUMBER SIGNATURES REQUIRED FOR OFFICE SOUGHT – 1,000
5. GROSS NUMBER OF SIGNATURES SUBMITTED BY CANDIDATE - 1,250
6. NUMBER OF SIGNATURES VERIFIED BY STAFF – 1,042
7. NUMBER OF PAGES CHALLENGED –
8. REASONS FOR CHALLENGE TO PAGES – Nomination Papers Missing Required Information  
  
Pages all: (5) “Respondent’s nomination papers do not include, nor do they substantially include, the Respondent’s name of municipality for voting purposes.”  
  
Respondent: Information is clearly stated for municipality in the headings and in footer, where applicable.
9. TOTAL NUMBER OF INDIVIDUAL SIGNATURES CHALLENGED – 65 (10-68)
10. REASONS FOR CHALLENGE TO INDIVIDUAL SIGNATURES

#### SIGNATORY ADDRESS OUTSIDE DISTRICT

- A. Page 17 Lines 2, 3, 6, 7 (10-11): “Exhibit [B and C] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- B. Page 18 Lines 1, 2, 3, 5, 9 (12-16): “Exhibit [F, G, H, I, J] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- C. Page 22 Lines 3, 4, 5, 8, 9 (17-19): “Exhibit [L, M, N] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts

- D. Page 24 Lines 1, 2, 3, 6, 7, 8, 9, 10 (20-26): “Exhibit [P, Q, R, S, T, U, V] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- E. Page 25 Lines 1, 3 (27-28): “Exhibit [X, Y] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- F. Page 27 Lines 2, 4, 5, 6, 8, 9, 10 (29-35): “Exhibit [AA, BB, CC, DD, EE, FF, GG] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- G. Page 28 Lines 1, 2, 4, 5, 7, 9, 10 (37-42): “Exhibit [II, JJ, KK, LL, MM, NN] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- H. Page 30 Lines 2, 3, 4, 5, 6, 7, 8, 9, 10 (43-51): “Exhibit [PP, QQ, RR, SS, TT, UU, VV, WW, XX] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- I. Page 33 Lines 1, 2, 3, 5, 6, 7 (52-57): “Exhibit [ZZ, AAA, BBB, CCC, DDD, EEE] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- J. Page 34 Lines 1, 4, 5, 9, 10 (58-61): “Exhibit [HHH, III, JJJ] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- K. Page 51 Lines 2, 8 (62-63): “Exhibit [LLL, MMM] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”  
Respondent: accepts
- L. Page 57 Lines 1, 2, 5, 7, 9 (64-68): “Exhibit [OOO, PPP, QQQ, RRR, SSS] clearly demonstrates that the residence is located in the 5<sup>th</sup> congressional

District, not the 1<sup>st</sup> Congressional District, in contravention of section 8.15(3).”

Respondent: accepts

SIGNATURE UNDATED OR OTHERWISE INVALIDLY DATED

A. Page 27 Line3 (72): “Respondent’s nomination papers contain a signature that was dated as 6/17/10. A copy of page 27 of Respondent’s nomination papers is attached hereto as Exhibit Z. the circled dates indicate that the elector’s signature is dated after 6/12/10, which is the date that the circulator signed the paper.”

Respondent: disagrees

STAFF: the signature is valid as the date is 6/12/10, not 6/17/10

11. NUMBER OF SIGNATURES VERIFIED BY STAFF AFTER CHALLENGE:  
1042-65= 977

## CHALLENGE WORK SHEET

- 1. Name of Challenger:** Andrew Davis
- 2. Name of candidate challenged:** John Heckenlively
- 3. Office sought by candidate:** Congressional District 1, Democratic
- 4. Number of signatures required for office sought:** 1,000
- 5. Gross number of signatures submitted by candidate:** ~1200
- 6. Number of signatures verified by staff:** 853, subsequently amended to 1059
- 7. Number of pages challenged:** All, 7 specifically
- 8. Reasons for challenge to pages:**
  - A. All pages are challenged for failure to list election year. G.A.B. has determined this is not sufficient cause to invalidate the nomination papers.
  - B. Pages 1, 18, 20, 21, 55, and 104: Challenge alleges that nomination papers are missing residency information for the circulator. Upon review, these pages were determined to contain the necessary information, and the 52 signatures contained thereupon remain approved.
  - C. Page 128: Challenge alleges that nomination paper is missing signature of circulator. Upon review, this is determined to be correct, and the 10 signatures contained thereupon are rejected.
- 9. Total number of individual signatures challenged:** 22
- 10. Reasons for challenge to individual signatures:**
  - A. Signatory address outside district
    1. Page 35 Line 6: Signatory listed municipality as Town of Somers.
    2. Page 36 Line 2: Signatory listed municipality as Town of Somers.
    3. Page 43 Lines 9-10: Signatories listed municipality as Town of Somers.
    4. Page 81 Line 2: Signatory listed municipality as Town of Somers.
    5. Page 85 Line 2: Signatory listed municipality as Town of Somers.
    6. Page 80, Line 8: Signatory listed municipality as Village of P.P.
    7. Page 87, Line 5: Signatory listed municipality as Town of Mt. Pleasant/Racine.
    8. Page 88, Lines 7-8: Signatories listed municipality as Town of Racine.
    9. Challenge alleges the above signatories list a municipality that falls outside the boundaries of the 1<sup>st</sup> Congressional District. Indeed, the 1<sup>st</sup> Congressional District includes, among other municipalities, Town of Somers, Town of Mt. Pleasant, City of Racine, and Village of Pleasant Prairie (abbreviated "P.P." on Page 80, Line 8). The above 10 signatures remain approved.
  - B. Signatory address blank, illegible, or incomplete
    1. Page 16 Line 10: Signatory address is incomplete.
    2. Page 70 Line 2: Signatory address is incomplete.
    3. Page 71 Line 7: Signatory address is incomplete.
    4. Page 113 Line 4: Signatory address is incomplete.
    5. Page 75, Line 4: Signatory address is invalid.

6. Page 108, Line 5: Signatory address is incomplete.

7. As to Items 1-4, the challenge is correct in asserting that the addresses are incomplete. This sufficiency was noted during the first review conducted by G.A.B. and those signatures were not counted. As to Item 5, the challenge is correct in asserting that the address is invalid. This signature is accordingly rejected. As to item 6, the challenge alleges that a P.O. Box is insufficient as a signatory street address. G.A.B. permits the use of P.O. Boxes only if the associated municipality falls entirely within the district. In this instance, the Town of Somers falls entirely within the 1<sup>st</sup> Congressional District. The signature remains approved.

C. Signature undated or otherwise invalid

1. Page 14 Lines 8-10: Circulator date prior to date of signatories.

2. page 93 Line 4-5: Signatory dates are improper.

3. Page 131 Line 1: Signatory date is illegible.

4. As to Item 1, circulator listed a date range that contains the dates of the challenged signatures. As to Item 2, although the signatory dates are illegible, they are bracketed by acceptable dates. As to item 3, G.A.B. determined the signature to be legible. The above signatures remain approved.

**11. Number of signatures verified by staff after challenge: 1048**

### CHALLENGE WORK SHEET

1. NAME OF CHALLENGER – Andrew Davis
2. NAME OF CANDIDATE CHALLENGED – Andrew Wisniewski
3. OFFICE SOUGHT BY CANDIDATE – 25<sup>th</sup> Assembly District
4. NUMBER SIGNATURES REQUIRED FOR OFFICE SOUGHT - 200
5. GROSS NUMBER OF SIGNATURES SUBMITTED BY CANDIDATE - 223
6. NUMBER OF SIGNATURES VERIFIED BY STAFF - 201
7. TOTAL NUMBER OF INDIVIDUAL SIGNATURES CHALLENGED – 7
8. REASONS FOR CHALLENGE TO INDIVIDUAL SIGNATURES

#### SIGNATORY ADDRESS OUTSIDE DISTRICT

- A. Page 1 Line 8: Staff did not count, Challenge sustained, No Change
- B. Page 5 Line 9: Outside district, Staff counted, challenge sustain, reduce by 1
- C. Page 16 Line 2: Outside district, Staff counted, challenge sustain, reduce by 1
- D. Page 16 Line 7: Outside district, Staff counted, challenge sustain, reduce by 1
- E. Page 25 Line 3: Outside district, Staff counted, challenge sustain, reduce by 1
- F. Page 14 Line 5: Municipality listed incorrectly, Staff counted, recommended counting can ascertain municipality. Reduce by 1.
- G. Page 25 Line 10: Address is listed in district. Staff counted. Overrule challenged. No Change.

9. NUMBER OF SIGNATURES VERIFIED BY STAFF AFTER CHALLENGE: 196